

## Absent—Excused

Cotten	Spears
Ramsey	Sulak

## House Bill 447 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 447 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 447, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of not more than ten thousand, three hundred and eighty (10,380) and not less than ten thousand, three hundred and ninety (10,390) inhabitants, according to the last preceding Federal Census of 1940; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 447 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 447 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

## Absent—Excused

Cotten	Spears
Ramsey	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

## Absent—Excused

Cotten	Spears
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## Flowers to Noel K. Brown

On motion of Senator Isbell, and by unanimous consent, the Secretary of the Senate was directed to send flowers to Mr. Noel K. Brown, Journal Clerk of the Senate, who is confined in Seton Hospital.

## Adjournment

Senator Lovelady moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:35 o'clock, p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## FORTY-NINTH DAY

(Tuesday, April 8, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Chadick	Lemens
Cotten	Lovelady
Fain	Martin
Formby	Mauritz
Graves	Metcalfe
Hazlewood	Moffett
Hill	Moore

Shivers	Vick
Smith	Weinert
Stone	Winfield
Sulak	York
Van Zandt	

Absent—Excused

Ramsey	Spears
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A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Ramsey was granted leave of absence for today on account of important business, on motion of Senator Smith.

#### Communication from the American Legion

The President laid before the Senate and had read the following communication from the Department Commander of the American Legion:

Austin, Texas,  
April 5, 1941.

Hon. Coke R. Stevenson,  
Lieutenant Governor of Texas.

Dear Lieutenant Governor Stevenson:

The Legionnaires and members of the Board of Trustees want to thank you and the members of the Senate who have made it possible to have Headquarters in the Land Office Building for these many years, realizing the fact that the State was in need of more space it was decided by our committee that we find a new location to help you solve the situation that you were faced with, relative to additional offices for the various State Departments.

We appreciate the courtesies that have been afforded the Department of Texas, The American Legion and again all I can say is, thank you, and if we can be of any service in working with you to the best interests of the citizens of the State of Texas feel at liberty to call upon us.

With kindest personal regards, I am  
Sincerely,

ED RIEDEL,  
Department Commander.

#### Communication from the Family of the Late Claude D. Teer

On motion of Senator Moore, and by unanimous consent, the following letter was ordered printed in the Journal:

Austin, Texas,  
March 15, 1941.

Hon. Coke R. Stevenson, President of the Senate,  
Capitol Station.

Dear Lieutenant Governor:

We have received a certified copy of Senate Resolution No. 55, introduced in the Texas State Senate by Senators Cotten and Hill, and unanimously adopted by your honorable body during the early part of March.

In the adoption of this resolution you have honored the memory of our deceased relative, Claude D. Teer and have made a permanent record of his achievements and accomplishments for which we are deeply appreciative. During all the time Claude was a member of the House and serving as Secretary of the Highway Commission, and as a member of the Board of Control, he always enjoyed working with the members of the Senate, and cherished their friendship and confidence in him.

We will always be appreciative of the action taken by the Senate of Texas of the Forty-seventh Legislature in adopting this resolution. We will always be grateful to Senators Cotten and Hill for having introduced the resolution and we know if Claude were able to know that the Senate of Texas and the House of Representatives have each adopted appropriate resolutions with respect to his services to the State, he would appreciate it more than anything else that has ever been done for him.

We want to express to you and through you to the authors of the resolution and the entire Texas Senate, our sincere gratitude for thus remembering him.

Sincerely yours,

Mrs. Clara Teer,  
Miss Ethel Teer,  
John F. Teer,  
Mrs. Anna Faye Peterson,  
Mrs. Coleman Cook,  
Mrs. J. S. Teer,  
Mrs. Joe T. Dewberry,  
Miss Anna Teer,  
Lewis Teer,  
James W. Wayman,  
Walter F. Teer,  
Cullen Wayman.

### Reports of Standing Committees

Senator Kelley submitted the following reports:

Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 304, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than three thousand, seven hundred and fifty (3,750) and not more than three thousand, eight hundred and fifty (3,850) according to the last preceding Federal Census; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with a recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 80, A bill to be entitled "An Act providing for the employment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 354, A bill to be entitled "An Act to amend H. B. No. 205, Chapter 213, page 417, General and Special Laws, Acts of the Forty-fifth Legislature, Regular Session (1937), also known and designated as Article 2815g-1a, of the Revised Civil Statutes

of 1925, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with a recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 419, A bill to be entitled "An Act providing for a supplemental scholastic census in school districts where there is an unusual increase in population due to location of camps, reservations, or building projects by Federal or State Governments; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,  
April 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 499, A bill to be entitled "An Act to amend the subject matter embraced in Section 13 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 5 of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 7 of Chapter 2, Title: Labor, Acts of the Forty-sixth Legislature, Regular Session, and making provisions relative to the administration of the unemployment compensation administration fund; providing for the care, custody, and expenditure of said fund; providing for reimbursement to the fund for any sums of money not used for proper and efficient administration; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
April 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 233, A bill to be entitled "An Act appropriating the sum of One Hundred and Twenty-four Thousand, Three Hundred and Seventy-four (\$1,124,374) Dollars per year, or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 735, A bill to be entitled "An Act providing for county tax for advertising in counties of not less than ten thousand and sixty-five (10,065) inhabitants and not over ten thousand and seventy-five (10,075) inhabitants, and containing a city having a population of not less than six thousand, four hundred and fifty-nine (6,459) inhabitants, as shown by the last preceding Federal Census; providing for an election in such counties; providing for payment of funds to County Board of Development and limiting expenditures by such board; and providing for a Board of County Development in such counties; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Vice Chairman.

Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 736, A bill to be entitled "An Act prescribing the duties of the county treasurer in certain counties, and providing for his compensation; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Vice Chairman.

Senator Beck submitted the following report:

Austin, Texas,  
April 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualifications of no person to serve as a juror shall be denied or abridged on account of sex; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means, and manner thereof, and making an appropriation for such purpose.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendments and be printed.

BECK, Chairman.

Senator Smith submitted the following report:

Committee Room,  
Austin, Texas,  
April 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 631, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, Regu-

lar Session, as amended in H. B. No. 30, 'Title: Stock Laws,' Chapter 1, Acts of the Forty-sixth Legislature, Regular Session, making Clay County eligible to the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

#### Senate Bill 421 on First Reading

Senator Stone moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Ramsey                      Spears

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts:

By Senator Stone:

S. B. No. 421, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, by adding a new Article to be known at Article 5139-B; providing for the establishment of a juvenile board in counties having a population of not less than seventy-four thousand (74,000) inhabitants and not more than eighty-three thousand (83,000) inhabitants, according to the last preceding Federal Census; providing for the compensation of the members of said boards; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

#### Senate Bill 422 on First Reading

Senator Lovelady moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Ramsey                      Spears

The following bill then was introduced, read first time and referred to the Committee on Game and Fish:

By Senator Lovelady:

S. B. No. 422, A bill to be entitled "An Act providing for the taking of channel or opelousas cat fish or any perch at any time by ordinary hook and line in the fresh waters of Bosque County, Texas; repealing all laws and parts of laws therewith to the extent of the conflict only; and declaring an emergency."

#### Senate Resolution 84

Senator Moore offered the following resolution:

Whereas, The Democratic Party of Texas has just finished its most successful Jackson Day Dinner Fund Raising Campaign; and

Whereas, Lieutenant Colonel Myron G. Blalock, Texas National Democratic Committeeman has rendered long and useful service to the Democratic Party of Texas; and

Whereas, Mrs. Clara Driscoll, National Committeewoman has been outstanding in her service to the Democratic Party; and

Whereas, Honorable E. B. Germany, Chairman of the State Democratic Executive Committee, has served the

Democratic Party faithfully and well; and

Whereas, It is the duty of said Party leaders to raise funds and otherwise carry on business of the National Democratic Committee in Texas; and

Whereas, In their wisdom they selected the Honorable George A. Butler of Houston as Chairman of the Jackson Day Committee of 1941; and

Whereas, Chairman Butler selected Dury Helm as his assistant and the following as district chairmen of the several Congressional districts:

H. H. Russell, New Boston; J. E. Wheat, Woodville; G. P. Birdwell, Tyler; George H. Wilcox, Sherman; Dick Stout, Dallas; F. H. Harvey, Corsicana; A. (Neal) Tribble, Navasota; Co-chairman Mrs. J. H. Hinds, Nacogdoches; Wm. N. Bonner, Houston; Ben Inselman, Galveston; Mayor Tom Miller, Austin; Lee Lockwood, Waco; Raymond Buck, Fort Worth; Everett McCullough, Wichita Falls; Mrs. R. A. Thompson, Corpus Christi; J. C. Looney, Edinburg; W. L. Kerr, Pecos; J. T. Stimson, Abilene; W. L. Boyles, Panhandle; Tom Garrard, Tahoka; General R. L. Bobbitt, San Antonio; Sam McCollum, Brady; and

Whereas, This group of Texas Democrats under the direction of said Party leaders and Jackson Day Chairman Butler, ably assisted by county chairmen and other loyal Democrats throughout the State of Texas, raised more money for the 1941 Jackson Day fund than any previous campaign in the history of the Democratic Party and also held a most successful dinner in Houston on March 29, 1941, thereby welding Party harmony and good fellowship throughout Texas Democracy; now, therefore, be it

Resolved, That we, the members of the Texas Forty-seventh Legislature now in regular session, go on record as approving the outstanding achievement made by the herein above named leaders of Texas Democracy, and particularly do we congratulate the party on its selection of George A. Butler as Chairman of the Jackson Day Committee of Texas for 1941; and, be it further

Resolved, That a copy of this resolution be mailed to the Honorable Edward J. Flynn, Chairman of the National Democratic Committee, the Honorable R. J. Reynolds, Treasurer of the National Democratic Committee, and also that copies of this

resolution be forwarded to the United States Senators and Representatives in Congress from Texas and members of the Texas Democratic Party herein named.

MOORE,  
FAIN.

The resolution was read, and on motion of Senator Moore and by unanimous consent, it was considered at this time.

The resolution was adopted.

#### Senate Concurrent Resolution 38

Senator Smith offered the following resolution:

S. C. R. No. 38, Memorializing the Congress of the United States to pass anti-strike legislation.

Whereas, This nation is now in the midst of a vast program in the interest of the national defense; and

Whereas, The very existence of this nation and other democracies is threatened with destruction; and

Whereas, The United States is spending large sums of money and is calling to military service its finest manhood in an effort to preserve to the people of this nation the benefits, protection, and enjoyment of the principles of a free democracy; and

Whereas, Notwithstanding the existence of said emergency and the effort of the government to preserve the liberties of a free people, many of the industries of this nation, vital and indispensable to said national defense program, have been closed down by strikes and violence resulting from labor controversies. It is believed that such strikes are being inspired, in the main, by the foreign enemies of democracy for the purpose of preventing this nation from carrying out its preparedness program; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it is the sentiment, will and desire of the Texas Legislature that the Congress of the United States immediately pass drastic and effective legislation to prevent such strikes and violence, and to protect our industries from such activities, and to protect the patriotic citizens of this nation who are working in such industries from violence and threatened violence while discharging the duties of their employment; and, be it further

Resolved, That a copy of this resolution be sent to each member of Congress from Texas and to both United States Senators.

SMITH,  
LOVELADY,  
FAIN,  
MAURITZ.

The resolution was read; and on motion of Senator Smith and by unanimous consent, it was considered at this time.

The resolution was adopted.

#### Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
April 8, 1941.

To the Members of the Senate of the Forty-seventh Legislature:

In view of news reports that a statement has been made in the Senate that B. D. Battle of Longview, Texas, is not a citizen of Texas, I wish to withdraw his name as State Auditor and Efficiency Expert. The matter of his residence was fully discussed at the time I appointed him, and he stated that his residence is now and has been for many years in Longview, Gregg County.

I surely believe that Mr. Battle was telling me the truth, but, since it is reported that this point has been questioned, I want to submit all the evidence to our Attorney General regarding this point, because I certainly do not intend to appoint a non-resident of Texas to this position as State Auditor and Efficiency Expert, even though it might be legal to make such an appointment.

As soon as a ruling from the Attorney General is made, and, if it holds that D. B. Battle is a legal resident of Texas, I intend to again submit his name to your body.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

On motion of Senator Moore and by unanimous consent, permission was granted to the Governor to withdraw the nomination of B. D. Battle to be State Auditor and Efficiency Expert.

#### Signing of Bill

The President signed in the presence of the Senate, after its caption had been read, the following enrolled bill:

S. B. No. 150, A bill to be entitled "An Act to create a policeman, firemen, and fire alarm operators pension system for all cities in the State of Texas having a population in excess of two hundred thousand (200,000) inhabitants, and less than two hundred and ninety-three thousand (293,000) inhabitants, according to the last preceding Federal Census, and providing for the control and administration thereof; and declaring an emergency."

#### Senate Joint Resolution 18 on First Reading

Senator Sulak moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a joint resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moiffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Ramsey                      Spears

The following joint resolution then was introduced, read first time and referred to the Committee on Constitutional Amendments:

By Senators Sulak and Formby:

S. J. R. No. 18, A Joint Resolution, Proposing an amendment to the Constitution of the State of Texas to provide for a State Land Bank which shall make loans to aid citizens of Texas to purchase a farm homestead; providing for election and necessary proclamation; and making an appropriation therefor.

### House Bill 20 on Passage to Third Reading

The President laid before the Senate, as postponed business, on its passage to third reading (the bill having been read second time on April 4, 1941):

H. B. No. 20, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; etc.; and declaring an emergency."

With the following amendment by Senator Aikin pending:

Amend H. B. No. 20 by striking out all of lines 3, 4 and 5, page 8.

Senator Aikin withdrew the amendment.

Senator Lemens offered the following amendment to the bill:

Amend H. B. No. 20 by striking out all below the enacting clause and inserting in lieu thereof the following:

#### ARTICLE I

##### Words and Phrases Defined

Section 1. Definition of words and phrases.

The following words and phrases when used in this Act shall, for the purpose of this Act, have the mean-

ings respectively ascribed to them in this title.

(a) "Vehicle"—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle"—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motorcycles"—Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor and machinery for maintaining or cleaning streets.

(d) "School Bus"—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(e) "Motor Bus"—Every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and towns for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and towns and suburban additions thereto.

(f) "Farm Tractor"—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(g) "Implements of Husbandry"—Farm implements, machinery and tools as used in tilling the soil, namely: cultivators, farm tractors, reapers, binders, combines, or mowing machinery, but shall not include any automobile or truck.

(h) "Director"—the Director of the Department of Public Safety of the State of Texas.

(i) "Department"—The Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents,



except in such sections of this Act in which some other State Department is specifically named.

(j) "Persons"—Every natural person, firm, copartnership, association, or corporation.

(k) "Pedestrian"—Any person afoot.

(l) "Driver"—Every person who drives or is in actual physical control of a vehicle.

(m) "Operator"—Every person, other than a chauffer or commercial operator, who is in actual physical control of a motor vehicle upon a highway.

(n) "Commercial Operator"—Every person who is the driver of a motor vehicle designed or used for the transportation of property, including all vehicles used for delivery purposes.

(o) "Chauffeur"—Every person who is the driver for wages, compensation or hire, or for fare, of a motor vehicle transporting passengers.

(p) "Non-resident"—Every person who is not a resident of this State.

(q) "Highway"—The entire width between property lines of any road, street, way, thoroughfare or bridge in this State not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power.

## ARTICLE II

### Issuance of Licenses, Expiration, Renewal

Section 2. Drivers must have license.

(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid license as an operator, a commercial operator or a chauffeur under the provisions of this Act.

(b) Any person holding a valid chauffeur's or commercial operator's license hereunder need not procure an operator's license.

(c) No person holding an operator's, commercial operator's or chauffeur's license duly issued under the provisions of this Act shall be

required to obtain any license for the operation of a motor vehicle from any other state authority or department.

Section 3. What persons are exempt from license.

The following persons are exempt from license hereunder:

1. Every person in the service of the United States when operating an official motor vehicle in such service;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A non-resident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state may operate a motor vehicle in this State only as an operator;

4. A non-resident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state may operate a motor vehicle in this State either as an operator, commercial operator or chauffeur except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State, or must be licensed as a commercial operator before accepting employment as a commercial operator from a resident of this State, and provided further that a valid Texas operator's, commercial operator's or chauffeur's license is required of any person operating a motor vehicle in this State, which vehicle is registered in this State, or is operating under a permit issued by any authority of this State;

5. Any non-resident who is at least eighteen (18) years of age, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state of such non-resident.

Section 4. Who may not be licensed.

The Department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen (16)

years, except that the county judge of the county wherein such person resides may, after investigation, authorize the Department, in writing, to issue a license to any such person, when, in his opinion, the person so applying is qualified and conditions exist which make it necessary for such person to be licensed as an operator; provided, however, that in no event shall an operator's license of any class be issued to any person less than fourteen (14) years of age;

2. To any person, as a commercial operator, who is under sixteen (16) years of age;

3. To any person, as a chauffeur, who is under sixteen (16) years of age;

4. To any person, as an operator, a commercial operator or a chauffeur, whose license has been suspended, during such suspensions or revocation;

5. To any person, as an operator, commercial operator or chauffeur, who is shown to be an habitual drunkard or addicted to the use of narcotic drugs;

6. To any person, as an operator, commercial operator or chauffeur, who has previously, by a court of competent jurisdiction, been adjudged insane or an idiot, imbecile, or feeble-minded, and who has not, at the time of such application, been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent.

7. To any person, as an operator, commercial operator or chauffeur, who is required by this Act to take an examination, unless such person shall have successfully passed such examination.

8. Neither an operator's, commercial operator's, nor chauffeur's license shall be issued to any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs in the English language; pro-

vided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle;

9. To any person when the Department has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

Section 5. Special restrictions on drivers of school buses and public or common carrier motor vehicles.

(a) No person who is under the age of twenty-one (21) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, nor any motor vehicle while in use as a public or common carrier of persons nor in either event until he has been licensed as a chauffeur.

Section 6. Application for license.

(a) Every application for an original or renewal of an operator's, commercial operator's or chauffeur's license shall be made upon a form furnished by the Department, and every original application shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the Department are hereby authorized to administer such oaths without charge. No officer or employee of the State shall be permitted to make any charge to administer such oaths. Every said application shall be accompanied by the required fee.

(b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has been refused, and, if so, the date of and reason for suspension, revocation or refusal.

Section 7. Application of minors.

(a) The Department shall not grant the application of any minor under the age of eighteen (18) years for an operator's, commercial operator's or chauffeur's license unless such application is signed by the

father of the applicant, if the father is living and has the custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen (18) years has no father, mother or guardian, the license shall not be issued to the minor unless his application therefor is signed by his employer or by the county judge of his residence.

**Section 8. Release from liability.**

Any person who has signed the application of a minor for a license may thereafter file with the Department a request that the license of said minor so granted be cancelled, which request shall be in writing and acknowledged before some officer authorized to administer oaths. Thereupon the Department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from any liability by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

**Section 9. Revocation of license upon death of person signing minor's application.**

The Department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license may cancel such license and may not issue a new license until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has attained the age of eighteen (18) years.

**Section 10. Examination of applicants.**

(a) The Department shall examine every applicant for an operator's, commercial operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall be held in the county where the applicant resides or makes application within not more than ten (10) days from the date application is made. It shall include a test of the applicant's vision, his ability to understand highway signs in the English language regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual

demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, and provided further that the Director shall have the authority to cause to be re-examined licensee in any case which in his judgment the licensee is incapable of operating a motor vehicle, said examination shall be held in the county of the licensee's residence unless otherwise agreed to by both parties to be held elsewhere.

**Section 11. Licenses issued to operators, commercial operators, and chauffeurs.**

(a) The Department shall, upon payment of the required fee, issue to every applicant qualifying therefor an operator's, commercial operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, age, residence address and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

**Section 12. Restricted licenses.**

(a) The Department upon issuing an operator's, commercial operator's or chauffeur's license shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(c) The Department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to

a hearing as upon a suspension or revocation under this Act.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Section 13. License to be carried and exhibited on demand.

Every licensee shall have his operator's, commercial operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a magistrate or any officer of a court of competent jurisdiction or any peace officer. It shall be a defense to any charge under this section that the person so charged produce in court an operator's, commercial operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

Section 14. Duplicate licenses.

In the event that an instruction permit or operator's, commercial operator's or chauffeur's license issued under the provisions of this Act is lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that such permit or license was lost or destroyed, and upon the payment of a fee of twenty-five (25c) cents.

### ARTICLE III

#### Fees

Section 15. Disposition of fees.

All fees and charges required by this Act and collected by any officer or agent of the Department shall be remitted without deduction on Monday of each week to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the "Operator's and Chauffeur's License Fund". Such funds as may be necessary for the purpose of defraying the expenses of this Act through the biennium ending August 31, 1943, including the employment of necessary clerical and administrative help and defraying the necessary expenses incident to any judicial hearing relative to the suspension or revocation of licenses, and including printing and transportation of all necessary forms and licenses hereinbefore provided, and

including the purchase through bids taken by the Board of Control of all necessary furniture, fixtures and equipment of any nature, shall be provided by the Legislature through appropriation therefor.

Section 16. Method of disbursements.

All disbursements hereunder shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the Department of Public Safety Commission and approved by one other member of the Commission or the Director, and such vouchers shall be accompanied by itemized sworn statements of the expenditures for which they are issued.

Section 17. Report of receipts and expenses.

At the end of every fiscal year, the Department shall submit a comprehensive and complete report of the receipts and expenses of this Act to the Governor of the State of Texas.

Section 18. Expiration of Licenses.

(a) Every operator's license issued under S. B. No. 15, Chapter 466, Page 1785, General Laws, Second-Called Session, Forty-fourth Legislature, as amended by H. B. No. 16, Chapter 369, Page 752, Regular Session, Forty-fifth Legislature, shall expire as hereinafter set forth and shall be renewable without examination upon application and payment of required fee unless the Department has reason to believe that the licensee is no longer qualified to receive a license.

For the purpose of expediting the renewal of outstanding licenses, they shall expire and be subject to renewal as follows:

Licenses listed numerically from number 1 to 450,000 expire December 31, 1941, and are renewable on and after October 1, 1941;

Those listed numerically 450,001 to 900,000 expire March 31, 1942, and are renewable on and after January 1, 1942;

Those listed numerically 900,001 to 1,350,000 expire June 30, 1942, and are renewable on and after April 1, 1942.

Those listed 1,350,001 and following and issued on or before September 30, 1941, shall expire

November 1, 1942, and be renewable on or before July 1, 1942.

(b) Any licensee failing to make application for renewal of license as above set forth may be required to take examination as required in this Act for applicant's original license.

(c) All licenses issued under this Act shall expire two (2) years from date of issuance.

(d) Every commercial operator's and chauffeur's license shall expire one (1) year from date of its issuance and shall be renewable on or before its expiration date upon application and payment of the required fee. The Department may in its discretion waive examination for the renewal of a commercial operator's or chauffeur's license.

#### Section 19. Fees for licenses.

(a) The fees as provided for in this Act shall be, as follows: For a chauffeur's license, Three (\$3.00) Dollars; for a commercial operator's license, Two (\$2.00) Dollars; for an operator's license, Fifty (50c) cents.

#### Section 20. Notice of change of address or name.

Whenever any person after applying for or receiving an operator's, commercial operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of the licensee is changed by marriage or otherwise such person shall within ten (10) days thereafter notify the Department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

#### Section 21. Records to be kept by the Department.

(a) The Department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical or numerical order:

1. All applications denied and on each thereof note the reason for such denial;

2. All applications granted;

3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

(b) The Department shall also file all accident reports and abstracts of court records of convictions

received by it under the laws of the State and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

### ARTICLE IV

#### Cancellation, Suspension and Revocation of Licenses

##### Section 22. Authority of Department to suspend or revoke a license.

(a) When under Section 10 (a) of this Act the Director believes the licensee to be incapable of safely operating a motor vehicle, the Director may notify said licensee of such fact and summons him to appear for hearing as provided hereinafter. Such hearing shall be had not less than ten (10) days after notification to the licensee or operator under any of the provisions of this section, and upon charges in writing a copy of which shall be given to said operator or licensee not less than ten (10) days before said hearing. For the purpose of hearing such cases jurisdiction is vested in the mayor of the city, or Judge of the police court, or a justice of the peace in the county or sub-division thereof where the operator or licensee resides. Such court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of the court to set the matter for hearing upon ten (10) days written notice to the Department. Upon such hearing, in the event of an affirmative finding by the court, the officer who presides at such hearing shall report the same to the Department which shall have authority to suspend said license for a period not greater than one (1) year, provided, however, that in the event of such affirmative finding the licensee may appeal to the county court of the county wherein the hearing was held, said appeal to be tried de novo. Notice by registered mail to address shown on the license of licensee shall constitute

service for the purpose of this section.

(b) The authority to suspend the license of any operator, commercial operator, or chauffeur as authorized in this Section is granted the Department upon determining after proper hearing as hereinbefore set out that the licensee:

1. Has committed an offense for which automatic suspension of license is made upon conviction;

2. Has been responsible as a driver for any accident resulting in the death or personal injury of another or serious property damage;

3. Is an habitually reckless or negligent driver of a motor vehicle;

4. Is an habitual violator of the traffic law;

5. Is incapable to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license;

7. Has committed an offense in another State, which if committed in this State would be grounds for suspension or revocation;

8. Has failed or refused to submit a report of any accident in which he was involved as provided in Section 40 of this Act.

#### Section 23. Period of suspension.

The Department shall not suspend a license for a period of more than one (1) year.

#### Section 24. Automatic suspension of license.

(a) The license of any person shall be automatically suspended upon final conviction of any of the following offenses:

1. Negligent homicide resulting from the operation of a motor vehicle.

2. Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs;

3. Any offense punishable as a felony under the motor vehicle laws of this State;

4. A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of failure to stop, render aid, and disclose his identity at the scene of said accident or collision.

5. A conviction upon a charge of aggravated assault upon the person by means of motor vehicle, as provided by law.

(b) The suspension above provided shall in the first instance be

for a period of six (6) months. In event any license shall be suspended under the provision of this Section for a second time, said second suspension shall be for a period of one (1) year.

(c) The suspension of any license shall be automatically extended upon licensee being convicted of operating a motor vehicle while the license of such person is suspended; such extended period of suspension to be for a like period as the original suspension, and is in addition to any other penalty assessed, as provided in this Act.

#### Section 25. When court to report convictions.

(a) Whenever any person is convicted of any offense for which this Act makes automatic the suspension of the operator's, commercial operator's, or chauffeur's license of such person, the court in which such conviction is had shall require the surrender to it of all operators', commercial operators' and chauffeurs' licenses then held by the person so convicted and the clerk of said court shall thereupon forward the same together with a record of such conviction to the Department, within ten (10) days from the date of conviction.

(b) Every court having jurisdiction over offenses committed under this Act, or any other acts of this State regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in said court for a violation of any said laws, and may recommend the suspension of the operator's, commercial operator's or chauffeur's license of the person so convicted, as provided in Section 22 of this Act.

(c) For the purpose of this Act, the term "conviction" shall mean a final conviction. Also, for the purpose of this Act, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Provided, however, that in case of conviction for any of the offenses enumerated in paragraph (a) of Section 24 of this Act, and the sentence of the court having been suspended as provided in the statutes, such suspended sentence shall not mitigate against the suspension of

the operator's, commercial operator's or chauffeur's license of the person convicted.

Section 26. Surrender and return of license.

The Department, upon suspending or revoking a license, shall require that such license shall be surrendered to and be retained by the Department except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

Section 27. No operation under foreign license during suspension or revocation in this State.

No person, resident or non-resident, whose operator's, commercial operator's or chauffeur's license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall operate a motor vehicle in this State under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this Act.

Section 28. Suspending resident's license upon conviction in another State.

The Department is authorized to suspend or revoke the license of any resident of this State upon receiving notice of the conviction of such person in another State of an offense therein which, if committed in this State, would be grounds for suspension or revocation of the license of an operator, commercial operator or chauffeur.

Section 29. Suspending privileges of non-residents and reporting convictions.

(a) The privilege of driving a motor vehicle on the highways of this State given to a non-resident hereunder shall be subject to suspension or revocation by the Department in like manner and for like cause as an operator's, commercial operator's or chauffeur's license issued hereunder may be suspended or revoked.

(b) The Department is further authorized, upon receiving a record of the conviction in this State of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle admini-

strator in the State wherein the person so convicted is a resident.

Section 30. Cancellation of license because of mental incompetence.

It shall be unlawful for any person to act as an operator, commercial operator or chauffeur who is an habitual drunkard or is addicted to the use of narcotic drugs, or who is an epileptic, or who has been adjudged insane or an idiot, imbecile, or feeble-minded, and who has not been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, and any finding by any court of competent jurisdiction that any person holding an operator's license, commercial operator's license or chauffeur's license is either insane, feeble-minded, an habitual drunkard, an epileptic, an imbecile, idiot, or addicted to the use of narcotics, shall carry with it a revocation of such operator's, commercial operator's, or chauffeur's license, and it shall be the duty of the clerk of any court in which such findings are made, to certify same to the Department within ten (10) days.

Section 31. Right of appeal to courts.

Any person denied a license or whose license has been cancelled or revoked by the Department except where such cancellation or revocation is automatic under the provisions of this Act shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the County Court at Law in the county wherein such person shall reside, or if there be no County Court at Law therein, then in the County Court of said county, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter for hearing upon ten (10) days written notice to the Department, and thereupon to take testimony and examine into the facts of the case, and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this Act.

Section 32. Violation of license provision.

It shall be unlawful for any person to commit any of the following acts:

1. To display or cause or permit to be displayed or to have in posses-



sion any operator's, commercial operator's, or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered;

2. To lend or knowingly permit the use of, by one not entitled thereto, any operator's, commercial operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

3. To display or to represent as one's own, any operator's, commercial operator's or chauffeur's license not issued to the person so displaying same;

4. To fail or refuse to surrender to the Department on demand any operator's, commercial operator's or chauffeur's license which has been suspended, cancelled or revoked as provided by law.

5. To apply for or have in one's possession more than one operator's, commercial operator's or chauffeur's license that is currently valid;

6. To use a false or fictitious name or give a false or fictitious address in any application for an operator's, commercial operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to cancel a material fact or otherwise commit a fraud in any such application.

Section 33. Making false affidavit false swearing.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed, is guilty of false swearing and upon conviction shall be punishable by fine or imprisonment as other persons committing false swearing are punishable.

Section 34. Driving while license suspended or revoked.

Any person whose operator's, commercial operator's, or chauffeur's license or driving privilege as a non-resident has been cancelled, suspended or revoked as provided in this Act, and who drives any motor vehicle upon the highways of this State while such license or privilege is cancelled, suspended or revoked is guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than Twenty-five (\$25.00)

Dollars, and not more than Five Hundred (\$500.00) Dollars, and, in addition thereto, there may be imposed a sentence of imprisonment not to exceed six (6) months.

Section 35. Permitting unauthorized minor to drive.

No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this Act.

Section 36. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this Act.

Section 37. Employing unlicensed chauffeur or commercial operator.

No person shall employ as a chauffeur or commercial operator of a motor vehicle any person not then licensed as provided in this Act.

Section 38. Renting motor vehicle to another.

(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the State of his residence except a non-resident whose home State does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's, commercial operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the Department.



## ARTICLE V

## Accident Reports

Section 39. Accidents to be reported by persons involved.

Every person involved in an accident resulting in death, injury or apparent property damage of Fifty (\$50.00) Dollars or more where one or more motor vehicles are involved and who is the holder of an operator's, commercial operator's or chauffeur's license, under the provisions of this Act, shall make a report of such accident to the Department of Public Safety within forty-eight (48) hours. Refusal to make such report shall render the holder of such license liable to suspension or revocation of such license. Reports required by this Section shall be deemed privileged communications.

Section 40. Accident statistics and reports.

(a) The Department shall prepare and shall supply to police and sheriffs' offices and other suitable agencies, forms for accident reports, and such reports shall be made within a reasonable time from the date of such accident by such officers or agencies to the Department at Austin, Texas, sufficiently detailing all the facts with reference to any highway accident, and the persons and vehicles involved.

Section 41. Report of deaths resulting from accidents.

Every coroner, justice of the peace or other official performing like functions shall on or before the tenth (10th) day of each month report in writing to the Department the death of any person within his jurisdiction during the preceding calendar month as the result of any accident in which a motor vehicle was involved and the circumstances of such accident.

Section 42. Accident reports confidential.

All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used

as evidence in any trial, civil or criminal, arising out of such accident, except that the Department shall furnish upon request of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified report has or has not been received by the Department, solely to prove a compliance or failure to comply with the requirement that such report be made to the Department.

Section 43. Department to tabulate accident reports.

The Department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents; and the Department shall biennially report to the Governor and the Legislature the abstract of such reports for the preceding biennium, with its conclusions and findings and recommendations for decreasing highway accidents and increasing safety upon the highways of Texas.

## ARTICLE VI

Section 44. Penalty for violation of Act.

(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other laws of this State declared to be a felony.

(b) In addition to any other penalties hereinbefore provided, and unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this Act shall be punished by fine of not more than Two Hundred (\$200.00) Dollars.

Section 45. Repeal of conflicting laws.

All laws or parts of laws in conflict herewith are hereby expressly repealed, and more particularly S. B. No. 15, Chapter 466, page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by H. B. No. 16, Chapter 369, page 752, Regular Session, Forty-fifth Legislature.

Section 46. Constitutionality.

If any part or parts of this Act shall be held to be unconstitutional,

such unconstitutionality shall not affect the validity of the remaining parts of this Act and the Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Section 47. Emergency Clause.

The fact that the present Texas Driver's License Law is inadequate to curb highway fatalities by failure to provide proper enforcement measures, and is further inadequate in its provisions for revoking licenses held by persons incompetent to operate motor vehicles upon the highways of Texas, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three separate days be suspended, and also that the constitutional rule which provides that laws shall not become effective until the expiration of ninety (90) days after the adjournment of the session be suspended, and such rules are hereby suspended and this Act shall be in full force and effect from and after its passage, and it is so enacted.

LEMENS,  
GRAVES.

The amendment was adopted.

Senator Lemens offered the following amendment to the bill:

Amend H. B. No. 20 by striking out all above the enacting clause and inserting in lieu thereof the following:

A bill to be entitled

"An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses; providing a pen-

alty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke or cancel licenses; providing for time, place and manner of holding hearings before the Department of Public Safety; providing for the period of suspension by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining 'conviction' and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-residents and report convictions, and to suspend resident license upon conviction in another state; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; prohibiting the driving of motor vehicle while license or privilege is canceled, suspended or revoked; and making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and

particularly S. B. No. 15, Chapter 466, page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by H. B. No. 16, Chapter 369, page 752, Regular Session Forty-fifth Legislature; providing a saving clause; declaring an emergency and providing the Act shall take effect from and after its passage."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 20 by adding at the end of subsection 4 of Section 3 the following words:

"provided, however, it shall not be necessary for an employee of any incorporated city, town or village of this State, or county of this State, when holding an operator's permit, to obtain a chauffeur's license in order to operate an official motor vehicle in the service of such incorporated city, town, village or county."

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend H. B. No. 20, on page 3, line 14, by striking out the period at the end of Section (n), and substituting a comma therefor, in line 14, and by adding thereto the following:

"While said vehicle is being used for commercial or delivery purposes."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 20 by adding the following language at the end of Section 32 and to be a part of Section 32:

"Provided the trial on appeal as herein provided for shall be a trial 'de novo' and the licensee shall have the right of trial by jury and his license shall not be suspended pending the appeal.

"Provided further, in cases herein provided for suspension of license, the filing of the petition of appeal shall abate said suspension until the trial herein provided for shall have been consummated and final judgment therein is had."

On motion of Senator Aikin, and by unanimous consent, the amendment by Senator Martin was ordered corrected so as to apply to the amendment by Senator Lemens which was adopted today.

Senator Lemens moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7

Formby	Lemens
Graves	Metcalf
Isbell	Winfield
Kelley	

Nays—21

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Chadick	Shivers
Cotten	Smith
Fain	Stone
Hazlewood	Sulak
Hill	Vick
Lanning	Weinert
Lovelady	York
Martin	

Absent

Van Zandt

Absent—Excused

Ramsey                      Spears

Question recurring on the amendment, it was adopted.

Senator Aikin offered the following amendment to the bill:

Amend substitute for H. B. No. 20, page 7, line 1 by striking out the words and figures "\$2.00" and insert the following:

"for a commercial operator's license \$1.00."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Stone
Hazlewood	Sulak
Hill	Vick
Isbell	York
Lanning	

Nays—13

Cotten	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Kelley	Weinert
Lemens	Winfield
Lovelady	

Absent

Van Zandt

Absent—Excused

Ramsey

Spears

H. B. No. 20 (as amended) then was passed to third reading.

### House Bill 20 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Nays—2

Beck Sulak

Absent

Van Zandt

Absent—Excused

Ramsey

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Lemens and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill.

The bill was then passed by the following vote:

Yeas—27

Aikin	Hill
Brownlee	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lemens
Formby	Lovelady
Graves	Martin
Hazlewood	Mauritz

Metcalf  
Moffett  
Moore  
Shivers  
Smith  
Stone

Van Zandt  
Vick  
Weinert  
Winfield  
York

Nays—2

Beck Sulak

Absent—Excused

Ramsey

Spears

### Senate Bill 419 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 419 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 419, A bill to be entitled "An Act providing for a supplemental scholastic census in school districts where there is an unusual increase in population due to location of camps, reservations, or building projects by Federal or State Governments; providing for the request by the county superintendents for such census; directing the State Superintendent of Public Instruction to require the census and to approve a supplemental census roll of the district; providing that said supplemental roll shall be a part of the original census of the district the same as if it had been taken in March; providing for the payment of scholastic apportionment in accordance with said supplemental scholastic census; providing that such supplemental census shall be taken not later than March 15 of any fiscal year except 1940-1941, which date limit shall be April 22; providing that no adjustment of scholastic apportionment shall be in an amount more than that necessary to care for the needs of such district; providing for approval by the State Department of Education; providing for only one supplemental scholastic census in any one district annually; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendments to the bill:

(1)

Amend caption of bill as follows:

A bill to be entitled

"An Act providing for a supplemental scholastic census in school districts

where there is an unusual increase in population due to location of camps, reservations, or building projects by Federal or State Governments; providing for the request by the county superintendents for such census; directing the State Superintendent of Public Instruction to require the census and to approve a supplemental census roll of the district; providing that said supplemental roll shall be a part of the original census of the district the same as if it had been taken in March; providing for the payment of scholastic apportionment in accordance with said supplemental scholastic census; providing that such supplemental census shall include only such scholastics that are enrolled and are in actual attendance; providing that such supplemental census shall be taken not later than March 15 of any fiscal year except 1940-1941, which date limit shall be April 22; providing that no adjustment of scholastic apportionment shall be in an amount more than that necessary to care for the needs of such district; providing for approval by the State Department of Education; providing for only one supplemental scholastic census in any one district annually; and declaring an emergency."

VAN ZANDT,  
KELLEY,  
AIKIN.

(2)

Amend S. B. No. 419 by striking out the word "shall" immediately after the words "public instruction" in line 11, immediately below the enacting clause of said bill and inserting in lieu thereof the word "may."

(3)

Amend S. B. No. 419 by inserting immediately after the words "fiscal year" in line 17 immediately below the enacting clause of said bill the following:

"and shall include only such scholastics that are enrolled and are in actual attendance;"

(4)

Amend S. B. No. 419 by striking out the words "where tax valuations of a district are decreased by said Government ownership" which appear in lines 4 and 5 immediately below the enacting clause and immediately following the words "State Government."

The amendments were adopted severally.

The bill was passed to engrossment.

### Senate Bill 419 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 419 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Ramsey

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Ramsey

Spears

**Joint Session**

At 11:30 o'clock a. m., the President announced that the hour fixed by S. C. R. No. 37, for a joint session of the two Houses to hear an address by Miss Helen Keller had arrived, and requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were duly admitted and were escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat at the Speaker's desk.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker called the joint session to order and announced a quorum of the House present.

Governor W. Lee O'Daniel, Miss Helen Keller, Miss Polly Thompson, and Mrs. Anne Sullivan Mason were announced at the bar of the House, and were escorted to the Speaker's stand by Senators Van Zandt, Lemens, Brownlee, Kelley, and Martin, on the part of the Senate, and by Representatives Alsup, Martin, Dove, Huddleston, Hanna, and McLellan, on the part of the House.

The Speaker of the House presented Mr. Lon Alsup, who presented Governor O'Daniel to the joint session.

Governor O'Daniel presented Miss Helen Keller and Miss Polly Thompson to the joint session.

Miss Keller then addressed the joint session.

At the conclusion of the address, the Senate repaired to its Chamber.

**In the Senate**

The President Pro Tempore called the Senate to order at 12:25 o'clock p. m.

**Message from the House**

The Assistant Reading Clerk of the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 398, and appoints: Cleveland, Bundy, Gilmer, Turner and Little.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives

**Motion to Reconsider Vote  
on Senate Bill 124**

Senator Sulak called for the consideration at this time of the motion to reconsider vote by which further consideration of S. B. 124 was postponed to April 1, 1941 (the motion having been made and spread on the Journal on Wednesday, March 5, 1941).

**Point of Order**

Senator Moore raised a point of order against consideration of the motion and against further consideration of the bill, on the ground that S. B. No. 124 is the same bill as H. B. No. 322, which the House refused to pass, and that any attempt to consider further S. B. 124 would be in violation of Section 34 of Article 3 of the State Constitution.

The President Pro Tempore sustained the point of order.

**Adjournment**

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:50 o'clock, p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**FIFTIETH DAY**

(Wednesday, April 9, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers